

The Brockton Conservation held a meeting in the GAR Room, City Hall, Brockton on Thursday, July 15, 2010 at 7:00 PM. Members present: Chairperson Stephanie Danielson, Scott Ford, Timothy Reilly, Gregory Enos and James Bosco. Also present were secretary Pamela Gurley and Marta Nover, Nover-Armstrong Associates (NAA)

1. Certificate of Compliance

Address: 70 Oak Street Ext.

Applicant/Representative: Charles Efremidis

Ms. Nover said the applicant was seeking a certificate of compliance for the second order on the property for improvements to the storm water management system; she said there are still a few items needing to be addressed relative to storm water improvements. She said the leaching chambers were raised; 12" RCP was proposed instead of ductile iron and a letter was received from the PE of record stating that the RCP pipe will sustain weight of cars driving over it; two catch basins need to be repaired and because of the substituted BMP's the needed a certifying that the substitution is sufficient for TSS removal (submitted) and a berm needed to be installed (done). She said that it is NAA's opinion that a partial certificate of compliance could be issued at this time outlining the remaining issues to be satisfied.

Mr. Reilly asked if the proposed system and the system installed have equal capacity; Ms. Nover said that she believes that they do, however that information will be emailed to Mr. Nover. Mr. Enos asked if the seeding has been done to the site; Ms. Nover said that it has and the work to the basin has been completed.

A motion was properly made (Enos), seconded (Reilly) and unanimously passed to issue a partial certificate of compliance. The document is to outline the remaining work to be completed.

2. Notice of Intent

Address: Plot 14 Sargents Way

Applicant: George Millette

Representative: Jennifer Turcott, Green Environmental

Continued to August 19, 2010 at the request of the applicant.

3. Notice of Intent

Address: 899 Belmont Street

Applicant: Saad, Inc.

Representative: Frank Gallagher, Gallagher Engineering

Ms. Nover said that per the Commission's previous request Mr. Gallagher submitted the applicant's long term stormwater prevention plan and has addressed some of NAA's prior comments. She said that the plan needed expansion (it was submitted last Friday via email). She said that the requested copies of the response action statement were submitted at tech review.

Ms. Danielson said that it seems that he is a small quantity generator of hazardous materials and that there are still some housekeeping issues that need to be attended to by the applicant.

Mr. Gallagher said that the plan submitted is according to EPA Guidelines. The owner has a contract with person who removes the small quantities of oil. He said that the septic system was inspected; you can see the septic tank with cover and can tell where it is located. He said they can not tell what is in the ground without digging out the parking lot. He said they looked in the septic tank and the levels in the tank are fine. He said there are three monitoring wells on the site. He said they are assessable and samples were taken in the past and again in 1999. He offered a special condition that the wells are to be sampled and tested before any work is done. Ms. Danielson asked that a hard copy of the report be given to them so that it can be scanned in and a copy sent to all members.

Ms. Nover said that no soil data was included at the time of installation of well #3 and she would like to have additional soil borings in the area of the work. She said if there is an issue they can load and go whatever needs to be removed. She said at the time of the release they did not determine where contamination came from (the report states that the groundwater goes to the south). Mr. Gallagher said that what was detected in #3 were below cleanup standards. Ms. Nover agreed that nothing exceeds current cleanup standards.

Mr. Gallagher said he would be happy to do the testing but would like to condition it that the testing is done prior to any work to know what they may be facing.

Mr. Reilly asked about the foundation and was told it would be a slab on grad foundation.

Mr. Bosco asked if the new sewer connection will go through existing septic tank. Mr. Gallagher said that the tank will be removed; Mr. Bosco asked if the existing floor drain could be leaching into tank. Mr. Gallagher did not have the answer to that question. Mr. Reilly asked if the tank will be pumped dry and Mr. Gallagher suggested that the tank be excavated and removed in tact. Mr. Bosco asked about the location of the leaching system and Mr. Gallagher said the leaching field needs to be beyond tank.

Ms. Danielson said she is concerned about potential contamination. Mr. Bosco said he wants to know where floor drains will be connected.

Continued to August 19, 2010 by agreement of the parties.

4. Notice of Intent

Address: Lot 3 (45) Pearl Way

Applicant: Cotsweld Builders

Representative: Todd Pilling, Pilling Engineering

John McCluskey

Virginia Frasier

The NAA report dated July 8, 2010 was entered into the record.

Mr. Pilling stated that he only received letter a few hours ago. He said that Walter Hewitson looked at the wetlands line and they do not want to change it because there is an active Water Quality Certification for the project and an Army Corp. Permit. He said they moved the house back and have provided compensatory storage.

Ms. Danielson said she does not know how commission can properly evaluate the project without all the requested information being submitted. Ms. Nover said that the WQ Certification probably requires them to notify Army Corp if there is additional proposed filling. She said that the soils may not be hydric but she could not get an augur down to 20". Mr. Pilling said that they do not want to change the wetland line and they are not amenable to an onsite.

Mr. Ford said that you would think that the applicant would want to know about the soils before building and that he does not feel comfortable allowing the project to go forward without the requested information.

Mr. Reilly said that there seems that there has been a change to the hydrology; something has happened during the construction that may have changed the flooding on the abutters.

Attorney John McCluskey said that this is a half built subdivision and that presumably problems these would not be there if there was a full build out. Ms. Danielson pointed out that the infrastructure was completed and only the houses remain.

Ms. Danielson said since the onset of this project that the Commission had concerns about the wetlands; she said they are not re-permitting the subdivision, just looking to permit these houses and said that maybe the hydrology had changed since this project was started.

Mr. Enos said that he agrees with the members; they are not looking for information for the entire subdivision just looking for additional information for these two lots.

Mr. Ford said that just to be a good neighbor he believes that they would want to make sure that they are not affecting the neighbors. Mr. Pilling said that most of the neighbors said there was no water until this past year.

Ms. Nover said that the pipe down gradient was not shown on plan originally; she said that there is a connection under Pearl Way and also the berm and she said that she could not confirm the soils. Ms. Danielson asked again to have NAA meet on site with wetland scientist.

Mr. Pilling said that his clients were not willing to allow the requested onsite and said in his opinion that the Commission had sufficient information.

Ms. Danielson asked whether they were asking for another continuance or asked to close the hearing. Mr. Pilling said that he would like the hearing closed and if the Commission denied the order he would take his changes with DEP.

A motion was properly made (Ford), seconded (Reilly) and unanimously passed to close the hearing.

5. Notice of Intent

Address: Lot 10 (28 Pearl Way)
Applicant: Cotsweld Builders
Representative: Todd Pilling, Pilling Engineering
Attorney John McCluskey
Virginia Frasier

The NAA report dated July 7, 2010 was entered into the record.

Again Mr. Pilling stated that he did not get the letter until today. He said that they are willing to address #1.

Attorney McCluskey asked what evidence was there that berm was leaking. He was told that the PE conducted site visit at time of filing and noticed it. He said he can address the issue of who is responsible for upkeep of the stormwater management system and said that Cotsweld Builders is responsible until the lot is sold. He said after that it will be the lot owner. Mr. Reilly asked about the HOA as at a prior meeting they were told that the HOA will be responsible. Attorney McCluskey said that there is no HOA.....it will be the lot owner. Mr. Ford said that maintenance is important and wants to see something in writing addressing responsibility. Mr. Pilling asked for a continuance in order to address the comment letter again stating that he just received the letter today. Ms. Danielson pointed out that this is the same information that was sent via an email after the first meeting.

The hearing was continued to August 19, 2010 by agreement of the parties.

6. Notice of Intent

Address: Edson Street and Hudson Street
Applicant: National Grid
Representative: Christina Hoffman, ERM

Ms. Hoffman said that National Grid needs two new poles on Edson Street to support existing poles (to shorten pole length); she said there is a perennial stream that flows under Edson St. and the permanent impacts of the work will be 2 sf per pole. She said off the end of Hudson St. there is a utility easement; there are two poles at end of Hudson and the wetland is between the two poles. She said there will be an area of swamp matting to remove pole and replace pole and there will be no permanent impacts as there is a 1:1 replacement.

Ms. Danielson said she wants to see construction sequencing how the work will be done. Ms. Hoffman said it will be one of two methods depending soil conditions; remove the pole and replace the pole or cut the existing pole and put new pole directly next to pole. She said they will drive up to wetland and place the swamp mats and drive and place a mat and repeat that process. She said there is also erosion and sedimentation controls proposed.

Ms. Danielson asked the estimated time for the work and was told 2-3 days depending on the time of year for replacement. She said replacements are based on electricity schedule (determined by energy use) and therefore could be done at peak "wet times". She said there is the potential that work could be scheduled during that times but will try

to schedule those projects during dry times. Ms. Danielson asked about the restoration plan for the areas and was told they remove the swamp mats as they leave and the existing seed and vegetation will re-vegetate (takes about a year).

Ms. Nover said that the erosion controls need to be extended from where they are proposed back to Edson St.

A motion was properly made (Ford), seconded (Enos) and unanimously passed to close the hearing.

A motion was properly made (Enos), seconded (Ford) and unanimously passed to issue a standard order of conditions to contain special conditions recommended by NAA.

Other Business

Oak Hill Way – Jonathan Siegel

Ms. Danielson said the property is the location of two existing enforcement orders. She said that the owner, Jonathan Siegel was asked to appear before the commission with an update.

Mark Maganello (LEC) said that their last status report was 6/09. He said since that time Mr. Siegel took over as manager of South Brockton LLC. He said he went to site tonight and saw three dirt bikes and a 4-wheeler.

Mr. Siegel said he is not in this position by choice; that he has every intention of doing the restoration. He said LEC has provided him with estimates, but he is concerned about dirt bikes tearing up the property after the work is done. He is willing to put the money in escrow in stead of doing the work. He said he has a closing scheduled for Feb. 11, 2011. He is responsible up to \$200,000 of the work per the P&S. He said he was under the impression that Brockton Power would be doing work and thought that Brockton Power would be further in the permitting process. He said he will now have to do the work himself.

Ms. Danielson said there are new state regulations for ATV use and they should have contacted the police. He said all the signs that were put up are gone. Ms. Danielson said that an ongoing construction project may keep kids out of site.

Ms. Danielson asked what happens is deal falls apart and Mr. Siegel said he will need to look for another buyer. He said because of the clause of in the contract – he may be wacked \$200,000 again by Brockton Power if they need to redo the work before purchasing the property.

Ms. Danielson said she does not believe the order for the road is valid; she said the commission was hesitant to approve such a large roadway because of the large impacts to the wetland. Mr. Maganello said that the culvert was approved through the restoration order. Ms. Danielson said there if there isn't a requirement to for the large roadway the commission may want less filling.

Ms. Nover said that the culvert is a separate issue; that the area beyond the culvert required further wetlands alteration. Ms. Danielson said that if the road is not being built as approved the additional alterations may not be necessary.

Mr. Siegel said he is not trying to build, just trying to sell his property.

Mr. Maganello said they can begin some of the work again and look at some alternatives for security. He said they intend to show the commission some sincerity. Mr. Enos said they have been hearing this for 3 to 4 years.

Ms. Danielson said that if they are coming into the property with registered vehicles they need to contact the police. Mr. Reilly said that three years is long enough to wait....that it is the owner's responsibility to secure his property. Mr. Ford said that he was sure that there was some way for the owner to secure the property; that it would cost him some money. Ms. Danielson asked about the time frame. Ms. Maganello said that two contractors are submitting bids.

Ms. Nover said there is a lot of restoration work contained within the culvert project that can be protected from the ATV's. She said it has been almost three years; one of replication areas is now a certified VP. She said that the order expires in October. She said she can look at their files and come up with suggestions/. She suggested a site visit and suggested that the applicant come up with schedule and plan.

John Cruz, West Bridgewater BOH said that the town line would be in Zone 2; he said to keep in mind 6,800 people's drinking water could possibly be affected. He also said that the Fire Dept. needs access to property if blocked off.

Continued to the August meeting by agreement of the parties.

Lot 3 Pearl Way

A motion was properly made (Enos), seconded (Reilly) and unanimously passed to deny the request for an order of conditions due to lack of information submitted by the applicant. The Commission was not able to obtain soil samples, the wetland line is not depicted accurately and the elevation of the invert was taken off the plan and the commission could does not known the extent of flooding.